

An Act Relating to the Stabilization of the Wheat Industry, and for other purposes.

[30th November, 1954.]

**B**E it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

1. (1) This Act may be cited as the *Wheat Industry Stabilization Act 1954*. Short title.

(2) This Act shall be deemed to have come into operation on the day on which the *Wheat Industry Stabilization Act 1954* of the Commonwealth of Australia came into operation. Commencement.

2. (1) The *Wheat Industry Stabilization Act 1948* the *Wheat Industry Stabilization (Amendment) Act 1951* and the *Wheat Marketing Act 1953* are hereby repealed. Repeal of Nos. 5338, 5605, 5696.

(2) Notwithstanding such repeal but subject to the next succeeding sub-section the provisions of the repealed Acts shall continue to apply as if this Act had not been passed in relation to wheat harvested before the first day of October, One thousand nine hundred and fifty-three. Saving as to wheat already harvested.

(3) Any

(3) Any reference in any Act so repealed to the Australian Wheat Board established by the *Wheat Marketing Act* 1948-1953 of the Commonwealth of Australia shall in relation to things done or to be done after the commencement of this Act be read as a reference to that Board as continued in existence by and conducting proceedings in accordance with the Commonwealth Act.

(4) Any wheat harvested on or after the first day of October, One thousand nine hundred and fifty-three and delivered to the Board before the commencement of this Act (including wheat delivered to a person who was a licensed receiver for the purposes of the Acts so repealed) shall be deemed to have been delivered in pursuance of this Act, and any advance payment made by such Board in respect of any such wheat before the commencement of this Act shall be deemed to have been made in pursuance of this Act.

## Interpretation.

3. In this Act unless inconsistent with the context or subject-matter—

## " Board."

" Board " means the Australian Wheat Board continued in existence by the Commonwealth Act.

## " Common-wealth Act."

" Commonwealth Act " means the *Wheat Industry Stabilization Act* 1954 of the Commonwealth of Australia.

## " Common-wealth Minister."

" Commonwealth Minister " means the Minister of State administering the Commonwealth Act, or another Minister of State of the Commonwealth acting for and on behalf of that Minister.

## " Cost of production."

" Cost of production " means—

(a) in relation to wheat of the season that ended on the thirtieth day of September, One thousand nine hundred and fifty-four—  
Twelve shillings and seven pence per bushel ;

(b) in relation to wheat of a subsequent season—  
the cost of production per bushel of wheat of that season as determined by the Commonwealth Minister pursuant to the Commonwealth Act.

" Guaranteed

- “Guaranteed price” in relation to wheat of a season means an amount equal to the cost of production of wheat of that season. “Guaranteed price.”
- “Licensed receiver” means person firm company or State authority licensed by the Board to receive wheat on behalf of the Board. “Licensed receiver.”
- “Season” in relation to wheat means the period of twelve months, commencing on the first day of October in any year, during which the wheat was harvested. “Season.”

4. (1) Subject to this section the Board may license subject to such conditions as are specified in the licence a person firm company or State authority to receive wheat on behalf of the Board, and may cancel or suspend any such licence. Licensed receivers.

(2) An authority (including the Grain Elevators Board) authorized under any other Act to receive wheat shall be entitled under this section to a licence which shall not be subject to cancellation or suspension.

(3) The remuneration payable to any authority referred to in the last preceding sub-section as a licensed receiver shall be as agreed between the Minister and the Commonwealth Minister.

(4) Any licence to receive wheat on behalf of the Board that was in force immediately before the commencement of this Act shall be deemed to have been granted under this section.

5. (1) The Board may—

- (a) purchase wheat wheaten flour semolina corn sacks jute or jute products ;
- (b) accept wheat delivered to it ;
- (c) sell or dispose of wheat wheaten flour semolina corn sacks jute or jute products the property of the Board ;
- (d) grist or arrange for the gristing of wheat and sell or otherwise dispose of the products of the gristing ;
- (e) manage and control all matters connected with the handling storage protection treatment transfer or shipment of wheat or other things purchased or otherwise acquired by the Board or sold or otherwise disposed of by the Board ;

Powers of Board.

(f) do

(f) do all things that it is required or permitted by this Act to do or that are necessary or convenient to be done by the Board for giving effect to this Act.

(2) The Commonwealth Minister may give directions to the Board concerning the performance of its functions and the exercise of its powers, and the Board shall comply with those directions.

Delivery of  
wheat.

6. (1) Subject to this section a person who is in possession of wheat—

(a) may deliver that wheat to the Board ;

(b) shall deliver that wheat to the Board on demand made by or on behalf of the Board.

(2) Upon delivery of wheat to the Board under this section the wheat shall become the absolute property of the Board freed from all mortgages charges liens pledges interests and trusts affecting the wheat.

(3) A demand under this section may be made—

(a) by notice in writing served personally on the person to whom it is addressed or served on that person by post at his usual or last known place of abode or business ; or

(b) by notice published in the *Government Gazette* in which case it may be addressed to persons generally or to persons included in a class of persons.

(4) The provisions of this section shall not apply to—

(a) wheat harvested before the first day of October, One thousand nine hundred and fifty-three ;

(b) wheat retained by the grower for use on the farm where it is grown ;

(c) wheat that has been sold by the Board ; or

(d) wheat sold or delivered to a person with the approval of the Board.

(5) (a) A person shall not—

(i) refuse or fail to comply with a demand made under this section ; or

(ii) deliver to the Board wheat which has previously been sold by the Board.

(b) Any

(b) Any person who contravenes or fails to comply with the provisions of this sub-section shall be liable to a penalty of not more than thrice the value of the wheat in respect of which the offence is committed, calculated at the guaranteed price for wheat of the season that is current at the time of the offence, or to imprisonment for a term of not more than six months, or to both such penalty and imprisonment. Penalty.

7. (1) Delivery of wheat to the Board may be made by delivering or consigning the wheat to a licensed receiver. Delivery to licensed receiver.

(2) Where any wheat would apart from this Act be required under the Grain Elevators Acts to be delivered to or through the agency of the Grain Elevators Board, delivery of that wheat to the Board shall be made by delivering or consigning the wheat to or through the agency of the Grain Elevators Board in its capacity as a licensed receiver. Nos. 4270, &c.

(3) A person who delivers or consigns wheat to a licensed receiver shall at the same time furnish to the licensed receiver in writing the names and addresses of all persons known by him to have or to claim an interest in the wheat or in the payment to be made for the wheat and all particulars known to him of those interests.

8. (1) Except as provided in the last two preceding sections or with the consent of the Board no person shall— Unauthorized dealings with wheat.

(a) sell deliver or part with the possession of or take into his possession wheat other than wheat to which the provisions of section six of this Act do not apply ;

(b) part with the possession of or take into his possession wheat that is the property of the Board ; or

(c) purport to sell or offer for sale or purport to purchase or offer to purchase (otherwise than from the Board) wheat that is the property of the Board.

(2) Any

Penalty.

(2) Any person who contravenes or fails to comply with any provision of this section shall be liable to a penalty of not more than thrice the value of the wheat in respect of which the offence is committed, calculated at the guaranteed price for wheat of the season that is current at the time of the offence, or to imprisonment for a term of not more than six months, or to both such penalty and imprisonment.

Price to be paid for wheat.

9. (1) Where wheat is delivered to the Board in pursuance of this Act the Board shall pay for that wheat (including the corn sacks, if any, in which the wheat is delivered) an amount determined by the Board in accordance with this section.

(2) The Board shall determine such amount in respect of wheat of a season by—

- (a) ascertaining the net proceeds of the disposal by the Board of all wheat of that season delivered to the Board in Australia (whether in pursuance of this Act or otherwise);
- (b) deducting from the amount so ascertained an amount calculated at the rate of Threepence for each bushel of so much of the wheat of that season grown in the State of Western Australia as the Board certifies to the Commonwealth Minister to have become available for export to places outside Australia;
- (c) ascertaining the share in the remaining amount of each person entitled to payment under this section by apportioning that remaining amount amongst the persons who delivered wheat of that season to the Board in Australia (whether in pursuance of this Act or otherwise) on the basis of the number of bushels of wheat so delivered by each such person, with proper allowance for differences in the quality of wheat and for transport charges for the carriage of wheat to the terminal port from the place at which the wheat was delivered to the Board, corn sacks in which wheat was supplied to the Board, and other necessary adjustments in particular cases.

(3) For

(3) For the purposes of this section the Board is not bound to preserve the identity of wheat of a season and may keep its accounts in respect of sales in such manner as will in its judgment attribute sales to wheat of different seasons (including the season that ended on the thirtieth day of September, One thousand nine hundred and fifty-four) in an equitable manner.

(4) The Board is not bound to make a final payment in respect of wheat of a season until it has disposed of the whole of the wheat of that season delivered to it in Australia (whether in pursuance of this Act or otherwise) but the Board may with the approval of the Commonwealth Minister make from time to time such advance payments as it considers justified.

(5) Subject to this section the net proceeds of the disposal of wheat shall for the purposes of this section be deemed to be the net return from the disposal of the wheat (including corn sacks in which the wheat was sold) after paying the charge imposed by the *Wheat Export Charge Act* 1954 of the Commonwealth of Australia and administration interest transport storage and other charges incurred by the Board (other than charges for transport to the terminal port from the place at which the wheat is delivered to the Board).

(6) In ascertaining the net proceeds of the disposal of any wheat no account shall be taken of moneys to which any provision of this Act or of the Commonwealth Act or of any corresponding Act of any State of Australia or of any corresponding previous enactment relating to a special account for freight of wheat to Tasmania applies or applied or of costs of the Board payable out of those moneys.

(7) Where the average price per bushel obtained by the Board for wheat of a season exported by the Board or sold by the Board for export is less than the guaranteed price, the net proceeds from the disposal of wheat of that season by the Board shall for the purposes of this section be deemed to be increased by the amount that becomes payable to the Board under the Commonwealth Act out of the Wheat Prices Stabilization Fund established

by

by that Act, that is to say an amount ascertained by multiplying the amount of the difference between that average price and the guaranteed price by—

(a) a number equal to the number of bushels of wheat of the season exported by the Board or sold by the Board for export; or

(b) one hundred million—

whichever is the less.

(8) In ascertaining the average price for the purposes of the last preceding sub-section the price obtained in respect of a sale other than a sale of fair average quality bulk wheat free on rails at the port of export shall be deemed to be the price which would have been the corresponding price for a sale of the same quantity of fair average quality bulk wheat free on rails at the port of export.

Payments by  
Board to  
growers.

10. (1) The amount payable under this Act in respect of any wheat shall be payable to the person who would have been entitled to receive the price of the wheat if the wheat had been lawfully sold to the Board at the time of the delivery of the wheat.

(2) The same rights (if any) shall exist against the person receiving an amount paid by the Board under this Act in respect of wheat as would exist if the moneys so paid were the proceeds of a sale or purported sale of the wheat by him, and any such rights may be enforced by action in any court of competent jurisdiction.

(3) Payment in good faith by the Board of any moneys payable under this Act to the person appearing to the Board to be entitled to receive them shall discharge the Board from any further liability in respect of these moneys.

(4) Subject to the next succeeding sub-section an assignment of moneys payable by the Board in respect of wheat delivered to the Board (not including a registered lien on crops) executed after the commencement of this Act shall be void as against the Board.

(5) Where



(5) Where a person assigns moneys payable to him by the Board in respect of wheat delivered or to be delivered to the Board in payment of, or as security for payment of, an amount payable by the person for corn sacks supplied to him, the Board may pay those moneys to the assignee.

**11.** (1) A person who—

- (a) consigns or delivers to a licensed receiver wheat harvested before the fifteenth day of September, One thousand nine hundred and fifty-four; or
- (b) consigns or delivers to a licensed receiver, after the final delivery day in respect of a season, wheat harvested in that season—

shall make and forward to the licensed receiver a declaration correctly stating the season during which the wheat was harvested.

(2) For the purposes of this section the final delivery day in respect of a season is the day declared to be the final delivery day in respect of that season by notice published in the *Commonwealth of Australia Gazette* under the Commonwealth Act.

**12.** (1) A member of the police force who is authorized by the Board or by the chairman of the Board to act under this section may—

- (a) at all reasonable times enter premises and inspect any stock of wheat or corn sacks and any accounts books and documents relating to wheat or corn sacks;
- (b) take possession of and remove any wheat that is the property of the Board or the delivery of which has been lawfully demanded by the Board or any corn sacks that are the property of the Board.

(2) A person shall not hinder or obstruct a person in the exercise of powers under this section.

(3) Any wheat, other than wheat which is the property of the Board, of which possession is taken under sub-section (1) of this section shall for the purposes of this Act, but without affecting the liability of a person for an offence, be deemed to be delivered to the Board under this Act.

Declaration to  
be furnished  
as to old  
season's wheat.

Entry of  
premises,  
seizure of  
wheat, &c.

**13.** (1) For

Returns.

**13.** (1) For the purposes of this Act the Board may by notice in writing served on the person to whom it is addressed either—

(a) personally ; or

(b) by post at his last known place of abode or business—

require a person to furnish in writing to the Board within the time specified in the notice such information relating to wheat wheaten flour semolina corn sacks jute or jute products as is specified in the notice.

(2) No person shall without reasonable excuse—

(a) refuse or fail to comply with a requirement under this section ; or

(b) furnish to the Board any information which is false or misleading in any particular.

Proper care to be taken of wheat owned by Board.

**14.** Any person having wheat the property of the Board in his possession or under his care shall exercise proper care and take all proper and reasonable precautions and do all things necessary to preserve and safeguard that wheat and to keep it free from damage or deterioration.

Home consumption price of wheat.

**15.** (1) The price at which the Board shall sell wheat for manufacture into wheat products for human consumption in Australia, or wheat for consumption in Australia by pigs poultry or dairy stock, shall be the appropriate price ascertained in accordance with this section.

(2) Subject to this section the price per bushel in respect of a wholesale sale of bulk wheat of fair average quality free on rails at a port of export shall be—

(a) the International Wheat Agreement price or, if at the beginning of the year in which the sale is made there is not in operation an International Wheat Agreement that has been accepted by Australia, export parity ; or

(b) Fourteen shillings—  
whichever is the less.

(3) If

(3) If the price applicable to a sale under the last preceding sub-section is less than the cost of production of wheat of the season that is current at the beginning of the year in which the sale is made the price shall, subject to the next succeeding sub-section, be an amount per bushel equal to that cost of production.

(4) The price applicable under either of the last two preceding sub-sections shall be increased by an amount of One penny half-penny per bushel for the purpose of reimbursing the Board for the costs of shipment of wheat to Tasmania.

(5) If the Board reports to the Commonwealth Minister that the amounts being received by the Board by reason of the operation of the last preceding sub-section together with amounts being received under corresponding provisions of the Commonwealth Act and corresponding Acts of the other States are more or less than the amounts required to meet the costs of shipment of wheat by the Board to Tasmania, the Commonwealth Minister may direct the Board that the amount per bushel specified in that sub-section shall be reduced or increased to such extent as he considers necessary.

(6) The price in respect of a sale other than a sale specified in sub-section (2) of this section shall be a price ascertained by adding to or deducting from the price applicable to sales so specified an amount that makes a proper allowance for the quality of the wheat the conditions of sale and the place of delivery.

(7) In this section—

“Export parity” in relation to sales made in a year means the price that the Commonwealth Minister certifies to the Board to be the price which he is satisfied was the price (expressed in Australian currency) per bushel prevailing immediately before the commencement of that year for sales by the Board on the export market of bulk wheat of fair average quality free on rails at the ports of export;

“Export parity.”

“International Wheat Agreement price” in relation to sales made in a year means the amount which the Commonwealth Minister certifies to the Board to be the amount which

“International Wheat Agreement price.”

he

he is satisfied is the equivalent, in Australian currency and on the basis of sales free on rails at the ports of export, of the price per bushel prevailing immediately before the commencement of that year for sales by the Board under an International Wheat Agreement of bulk wheat of fair average quality ;

“Year.”

“Year” means the period of twelve months commencing on the first day of December, One thousand nine hundred and fifty-four, and each subsequent period of twelve months.

No. 5338 s. 14  
as re-enacted by  
No. 5696 s. 6.

(8) Notwithstanding the repeal of section fourteen of the *Wheat Industry Stabilization Act 1948*—

(a) the prices for sales of wheat by the Board that were applicable under that section immediately before the commencement of this Act shall continue to be applicable to sales made before the first day of December, One thousand nine hundred and fifty-four ;

(b) all moneys received by the Board in respect of such sales by reason of the operation of sub-section (4) of that section shall be deemed to be moneys to which sub-section (1) of the next succeeding section applies.

Special account  
for freight to  
Tasmania.

**16.** (1) Notwithstanding any other provision of this Act but subject to this section the Board shall keep a separate account of the moneys received by the Board by reason of the operation of sub-sections (4) and (5) of the last preceding section and of payments made out of those moneys, and shall not apply those moneys except in accordance with this section.

(2) The Board may combine the account required to be kept under the last preceding sub-section with any similar account or accounts to be kept by it under the Commonwealth Act or under the law of another State or States.

(3) The Board shall use the moneys referred to in sub-section (1) of this section in meeting the costs of shipment of wheat by the Board to Tasmania on and after the first day of December, One thousand nine

hundred

hundred and fifty-three, and shall not use for that purpose any other moneys derived by it from the sale of wheat delivered to it in pursuance of this Act.

(4) Any moneys referred to in sub-section (1) of this section which remain unexpended after the Board has disposed of the whole of the wheat of the last season to which this Act applies delivered to the Board in Australia shall be applied by the Board for the benefit of the wheat industry in such manner as the Commonwealth Minister after consultation with the Minister directs.

(5) Any moneys paid by the Board before the commencement of this Act in pursuance of section seven of the *Wheat Marketing Act 1953* to the credit of the account kept for the purposes of that section and not expended before the commencement of this Act shall be deemed to be moneys to which sub-section (1) of this section applies.

**17.** Subject to the Board paying or making provision for the payment of amounts required to be paid by it under this Act, nothing in this Act shall be deemed to prevent the Board from applying moneys received by it by reason of the exercise of its functions under this Act for the purposes of the Commonwealth Act or an Act of another State relating to the marketing of wheat.

Use of funds  
by Board.

**18.** Any person who contravenes or fails to comply with any provision of this Act for which no other penalty is provided shall be guilty of an offence against this Act and shall be liable to a penalty of not more than One hundred pounds or to imprisonment for a term of not more than six months.

Penalties.

**19.** (1) The Governor in Council may make regulations for or with respect to prescribing all matters and things which by this Act are required or permitted to be prescribed or which are necessary or expedient to be prescribed for carrying out or giving effect to this Act, and prescribing penalties not exceeding One hundred pounds or imprisonment for six months, or both, for offences against the regulations.

Regulations.

(2) All

## Publication.

(2) All regulations under this Act shall be published in the *Government Gazette* and shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament is then sitting and if Parliament is not then sitting then within fourteen days after the next meeting of Parliament and a copy of all such regulations shall be posted to each member of Parliament.

## Application of Act.

**20.** This Act shall not apply in relation to wheat harvested after the thirtieth day of September, One thousand nine hundred and fifty-eight.